

## **Rocky Flats Coalition of Local Governments**

Boulder County      City and County of Broomfield      Jefferson County  
City of Arvada      City of Boulder      City of Westminster      Town of Superior

### **Rocky Flats Coalition of Local Governments Board Meeting Minutes**

Monday, January 6, 2003

8:45 – 11:05 a.m.

Mt. Evans Room in the Terminal Building

Jefferson County Airport, Broomfield

**Board members in attendance:** Mike Bartleson (Alternate, Broomfield), Clark Johnson (Alternate, Arvada), Jane Uitti (Alternate, Boulder County), Karen Imbierowicz (Director, Superior), Nanette Neelan (Alternate, Jefferson County), Lisa Morzel (Director, City of Boulder), Sam Dixon (Director, Westminster), Ron Hellbusch (Alternate, Westminster).

**Coalition staff members and consultants in attendance:** David Abelson (Executive Director), Kimberly Chleboun (Program Manager), Melissa Anderson (Technical Program Manager), Barbara Vander Wall (Seter & Vander Wall, P.C.).

**Members of the Public:** John Corsi (Kaiser-Hill), Dave Shelton (Kaiser-Hill), Lane Butler (Kaiser-Hill), Nancy Tuor (Kaiser-Hill), Pat Etchart (DOE), Rick DiSalvo (DOE), John Rampe (DOE), Liz Wilson (DOE), Eugene Schmitt (DOE), Jeremy Karpatkin (DOE), Cliff Franklin (DOE), Laurie Shannon (USFWS), Mark Sattleberg (USFWS), Dean Rundle (USFWS), Tim Rehder (EPA), Rob Henneke (EPA), Steve Gunderson (CDPHE), Patricia Rice (RFCAB), Doug Young (Congressman Udall), Al Nelson (Westminster), Shirley Garcia (Broomfield), Bob Nelson (Golden), Nancy Lemein (Arvada), Gail Bange (Wackenhut), Phil Cruz (RFSOIU #1), Dan Chesshir (RFSOIU #1), Roman Kohler (Rocky Flats Homesteaders), Doris DePenning (Friends of the Foothills), David DePenning (citizen), Katy Human (Daily Camera), Berny Morson (Rocky Mountain News), Margaret Boyd (Boyd Solutions), Steve Davis (Rocky Flats Cold War Museum).

### **Convene/Agenda Review**

No members of the Executive Committee were in attendance yet, so Lisa Morzel appointed David Abelson to direct the meeting until Chairman Sam Dixon arrived. David convened the meeting at 8:45 a.m.

### **Business Items**

**1) Motion to Approve Consent Agenda** – Lisa Morzel motioned to approve the minutes. Clark Johnson seconded the motion. The motion passed 6-0 (Superior was not yet in attendance).

**2) Executive Director's Report** - David Abelson said it had been a quiet month and he only had the following items to report:

- As discussed at the December Board meeting, draft RFCA modifications were released and the public comment period will end January 31, 2003. Senator Allard and Representative Udall submitted a letter to the RFCA parties supporting the public process

**ADMIN RECORD**

and incorporating community priorities. They also expressed appreciation for the focus on high risk areas, stated the importance of trade-offs given fiscal constraints, and said it is their understanding that the funding anticipated under the closure contract will be adequate.

- DOE-RFFO will be submitting their draft Long-Term Stewardship Strategy to DOE-Headquarters January 31, 2003. The Strategy provides guidelines for addressing stewardship, and the beginnings of the Site Long-Term Stewardship Plan. They have been working with Coalition staff and other members of the Stewardship Working Group in drafting the document.
- Coalition staff submitted a memo to John Rampe and Rick DiSalvo providing an overview of Site long-term stewardship planning. The memo states there has been progress in moving stewardship forward, but improvements can still be made.
- David will be attending the annual CRO winter meeting at the end of January.
- David will be scheduling meetings for the Coalition's Washington, D.C. lobbying trip on March 4<sup>th</sup> and 5<sup>th</sup>, thus he needs to get a sense of who from the Coalition is going.

Jane Utti asked David if he had received a response to his and Kimberly's stewardship memo. Rick DiSalvo said they will have the response ready this week.

**3) Approval of Employee Manual** – David Abelson said the original employee manual was first approved in 1999. He recently asked Barb Vander Wall to review the manual for revisions in light of changes in law, lessons learned from other organizations, and in order to adopt a family and medical leave policy. Barb surveyed each Coalition government and then based the leave policy on middle ground. Ron Hellbusch asked if the salaries for David and staff were based on surveys, or how they were determined. David said the base salaries were originally set by the Board before he started. Ron asked how salary for staff compare to the governments. David said changes have always been based on an average range of salary increases for local governments, and then taken from there. He said they do not compare salaries to government staff or actually survey, but look at what local governments typically give in annual increases. Mike Bartleson motioned to approve revisions to the Rocky Flats Coalition of Local Governments Employee Manual. Lisa Morzel seconded the motion. The motion was approved 7-0.

**4) Approval of RFCA Modifications Comments** – David Abelson directed the Board's attention to the Coalition's draft comments on the RFCA modifications. He said this letter is consistent with the Coalition's September 9, 2002 end-state letter, and has the strong support of local government staff. He also noted that what the Board offered in its September letter was largely accepted by the RFCA parties, and outstanding issues are addressed in this letter. Karen Imbierowicz referred to Westminster's letter and said it had more detail than the Coalition draft letter. She asked if the Coalition would address some of these issues at a later date. David explained that most of the issues raised by Westminster were already captured in the Coalition's September letter, which the Coalition asked be included as public comment on the RFCA modifications. Karen asked how the Board would address mining rights, as outlined in the letter the City of Boulder recently sent to Jefferson County, Senator Allard, and Rep. Udall. David said the Coalition sent a letter to Senator Allard and Rep. Udall in May 2002 in which the Board raised

the issue of acquiring mineral rights. He said the issue of mineral rights would not be included as part of the end-state discussion or final cleanup levels, but would be addressed in the pathway analysis and implementing end-state. Clark Johnson motioned to approve the Coalition draft letter commenting on the RFCA modifications. Lisa Morzel seconded the motion. The motion was approved 7-0.

### **Public Comment**

Rick DiSalvo advised the Board that Joe Legare took a work detail at the Mound, Ohio facility to assist with their contract transition. While Joe is gone over the next four to six months Rick will be filling in as Assistant Manager for Environment and Stewardship.

Doug Young announced that Rep. Udall had moved his district office and distributed the new address.

### **Update on Closure Performance**

Eugene Schmitt (DOE) began by stating the Site is still committed to a closure date of December 15, 2006 although this is not a magic date. He added that the contract with Kaiser-Hill provides incentives to close even earlier. Gene said that 2003 will be a significant year, and he anticipates 58% of the work will be completed by FY03, and 74% by FY04. He also believes funding will continue at requested levels through closure. Gene then reviewed closure challenges, including special nuclear materials disposition; ensuring availability of orphan waste receiver sites; defining end-state; long-term stewardship; the MOU with USFWS; remediating the Original Landfill; and, decontamination and decommissioning of the large plutonium buildings.

Nancy Tuor (Kaiser-Hill) provided closure project status. Nancy stated that through December 2002 the project is 7.0 percent under budget and 7.1 percent ahead of schedule. She emphasized that this positive trend is a result of changes to the cleanup project approach beginning in 1995. As there is no contingency set aside for the project and Kaiser-Hill would have to self-fund any changes, they need this positive cost variance. Nancy presented a cost and schedule variance chart reflecting the positive turnaround seen beginning September 2001. The downhill trend prior to that date reflects the investment period when things were attempted for the first time and the shipping infrastructure was built up. The uphill trend also represents an improved safety profile.

Nancy then reviewed recent key accomplishments involving material and waste packaging and shipping. Plutonium metals and oxides have been packaged into approximately 1200 (out of 1750) containers for long-term storage using the plutonium stabilization and packaging system (PuSPS). Special nuclear material (SNM) shipments are occurring on schedule. Record volumes of waste were removed during 2002, including 755 shipments to WIPP as of December 16, 2002. Currently the Site is sending on average eight to ten shipments to WIPP each week, and between December 1<sup>st</sup> and December 20<sup>th</sup> they made more than 200 shipments (which averages out to a truck leaving the Site every 45 minutes). Additionally, the Site has stabilized and repackaged 106,000 kilograms of plutonium residues, representing 85% of the country's inventory. This residue processing was completed May 2002. Nancy stated the remaining nuclear mission consists of packaging the last 500 cans of plutonium metals and oxides, packaging of oxides for WIPP, shipping of SNM, and the size-reduction of parts for disposition to the Savannah River Site. The Site will then close the Material Access Area and the remaining Protected Area. The nuclear mission is scheduled to be complete by the end of 2003.

Nancy stated there were also recent key accomplishments in decontamination and decommissioning (D&D). There is full-scale D&D underway in all four remaining plutonium buildings, and approximately 200 of 800 structures have been demolished. The Site has also removed over 800 of 1324 highly contaminated gloveboxes, including all the gloveboxes from Building 771.

Nancy further explained the six-year investment which led to the past productive year. She said the Site improved productivity through improved safety with few project shutdowns. They also eliminated barriers by reducing the Protected Area and by using a commercial D&D strategy. As previously mentioned, there was the investment in shipping infrastructure, including a new shipping facility and additional measurement capability. Kaiser-Hill also "borrowed" proven technology such as cerium nitrate decontamination to decontaminate the interior of a glovebox, thus reducing worker hazard exposure and TRU waste. This technology will result in a savings of more than \$100 million dollars. Nancy also described the technology of InstaCote packaging which is a polyurea coating that becomes a shipping container for low-level waste. It has been successfully used to package a 90,000-pound plutonium contaminated supercompactor, thus eliminating the need for size reduction and approximately 4600 man-hours of labor.

In closing, Nancy reviewed near-term priorities and challenges, which include continuous safety improvement. She noted that industrial accidents claim 2000 lives per year in the United States, and as their work progresses so will their risk of these types of accidents. Nancy said the PuSPS presents challenges due to its frequent equipment breakdowns. Additional challenges include Building 776 demolition, orphan waste disposition, efficient implementation of environmental restoration, and workforce morale and transition.

Jane Uitti referred to an earlier conversation, and asked Gene if he had any additional information regarding the mineral rights issue between DOE and USFWS. Gene said the bottom line is each agency believes it is the other's responsibility. Lisa Morzel said it should be an issue between DOE and Congress, identifying money sources for DOE to acquire the rights. Gene said it is currently an issue being discussed between the two Secretaries. Jane asked David Abelson if the Coalition should raise this issue while lobbying in March. He responded it was an issue raised last year and the Coalition will continue the discussion. He also said Rep. Udall's office is looking into ways to package assistance for the federal government to acquire the rights, but there is no simple equation or answer. Jane asked if the Coalition's position was that DOE should acquire the rights, as opposed to USFWS. David said the Coalition letters of May 2002 did not make the distinction where the money should come from within the federal government.

Jane asked Nancy if the new packaging technology was impermeable in case of rollover crashes during transport. Nancy said the coating had been tested and approved by the Department of Transportation as well as the receiver site (approval from Nevada Test Site and the state of Nevada) as a disposal container. She said it does not crack and is heat resistant. Gene added that the polyurea is coating a solid unit and not any liquids. Lisa asked how the material reacts over time with respect to radioactivity. Nancy explained it is impermeable to the low-level type of waste Rocky Flats is using it for. Lisa then asked about possible receiver sites for orphan waste. Gene said Hanford and Nevada are potential sites, but if neither of these will work there is the possibility of sending it to WIPP after blending and recharacterizing. Nancy added they have found receiver sites over the past year for all but the last four to five waste streams. Last year they had twenty to thirty orphan waste streams. She said the orphan waste volume equals approximately 10,000 55-gallon drums, which is less than 25% of their mixed waste.

Ron Hellbusch again raised the issue of mineral rights and asked if there was the possibility that

this issue would be deferred and not addressed in the Memorandum of Understanding. He said he thought deferring the decision would be a terrible mistake to even consider. Gene said anything is possible, but they are trying to reach resolution especially since this is where their major interest lies. He added that part of the issue is jurisdictional, not just funding. Acquiring mineral rights is not environmental cleanup and it is not wildlife management.

Clark Johnson asked about workforce changes in 2003 and if any specific workgroups would significantly decrease. Nancy said over the course of the next fiscal year there will be a gradual reduction of the salaried workforce, mostly to attrition and people moving to other sites. There will not be a significant change within the steelworkers, and there will be a gradual increase in the building trades, changing the skills mix. She said there are approximately 4200 workers onsite now, and that probably will not change by the end of the year. Nancy reiterated there will be a gradual reduction every few months but nothing major in FY03. David added that at the February 26<sup>th</sup> Board meeting Len Martinez with Kaiser-Hill will address their strategy for workforce reduction issues. Nancy also said they are working aggressively to place their workers elsewhere in the community by creating alliances with companies such as Coors and Ball Aerospace.

### **DOE-USFWS Refuge Memorandum of Understanding**

Dean Rundle (USFWS) and John Rampe (DOE) gave an update on the Memorandum of Understanding (MOU) between the two agencies. Refuge legislation mandated that the MOU be published in the Federal Register by December 28, 2002, but negotiations are still ongoing. Dean explained the two agencies have different organizational structure, with two extra levels of bureaucracy in DOE. He said there is more interest at the executive level within DOE than there is at DOI. Dean stated the refuge act reserves private property rights, thus they are mandated to address the impacts to private property rights. Thus far in the MOU negotiations they assume private property rights will be exercised but have not been able to designate who might acquire those rights. Dean said USFWS does not want to manage a refuge in which these mineral rights could be exercised and land could be strip mined for sand and gravel.

John stated they are required by law to devise a strategy for dealing with the acquisition of mineral rights, but they still are not sure about how to do so as neither agency is really willing and able to step up and agree to purchase the rights. He said they are in disagreement over the lands permitted and land actively being mined. John explained DOE interprets the refuge act as stating that any land not required for remedy protection and CERCLA activities should be transferred to USFWS post-closure. Dean added that at the USFWS local staff level they believe the law is silent on this issue, and although DOE must retain jurisdiction over certain areas to ensure remedy protectiveness it is up to the agencies to determine exactly what lands to transfer. He said it is a gray area to negotiate. John said DOE did a title search to determine locations of and impacts to potential mineral properties. He also clarified that given the location of permitted rights and the way the original Rocky Flats property was acquired by DOE, DOE does not believe there is any overlap between the exercise of rights and any impacts to cleanup. The locations are geographically separate, thus mineral rights is not a closure issue.

Nanette Neelan said she thought there were mineral rights in cleanup locations, but they were not permitted. Dean responded these mineral rights were originally subordinated and the government controls the access. He added the title search is ongoing and there are still questions over a couple tracts of sand and gravel, however it appears there is 400 to 1000 acres in question overall. Dean also said there is no dispute over Broomfield's right-of-way or oil, gas, and coal rights. Lisa Morzel said the rights may be subordinated now, but she questioned if they would be allowed to

be developed in the future. John said it is difficult to imagine they would be developed considering subordination records indicate the owners were already reimbursed. Dean said the subordination would carry forward when lands are transferred. He also said local jurisdiction would have to approve the exercise of these rights. David Abelson asked about the involvement of legal staff and their level of comfort these agreements would carry over. Dean and John both agreed legal staff are highly involved and they have a high comfort level over this issue.

Dean raised another issue over the language regarding liability for contamination if any releases are found after the transfer of property. According to federal law and CERCLA, USFWS could possibly be held liable as a responsible party. He said they have drafted language agreeable to both agencies, but they are concerned about any precedents they might set. The Office of Solicitor in Washington, D.C. is weighing in and trying to get language that will protect USFWS from any future liability. John said that when they are confident both agencies have agreed to a draft then they will share it with the public.

Doug Young said Rep. Udall and Senator Allard have been discussing how to handle the acquisition of mineral rights once the MOU has been approved. He said it would require federal dollars, but still in question would be where the money would come from and how high of a priority it would have with the agencies and Congress. Doug suggested acquisition could occur as an incremental process like the purchase of open space.

Ron Hellbusch asked if USFWS is still willing to take comments from the community on the Comprehensive Conservation Plan scoping process to determine refuge uses and allowable activities. Dean said they will not open the formal scoping period again, but they will always take comments from anyone at anytime in the process. He added that the scoping report would be available within the next couple of days, and they would begin public review of the draft alternatives this spring. Laurie Shannon (USFWS) asked for comments in writing.

### Cold War Museum

Steve Davis, Executive Director of the Rocky Flats Cold War Museum (RFCWM), began by explaining that the museum is a work in progress. He reviewed the evolution of museums over the past century, stating what originally started out as collections has evolved into educational and interactive experiences and museums based on ideas. The RFCWM will be a commemoration as well as an educational resource and long-term stewardship tool. Steve said for the museum to be successful it must be focused on future generations and function as the objective source of information about Rocky Flats many years from now. He also said that in order for it to be credible it must embrace all sides of the story in a nonbiased manner and could function as a forum to exchange stories. Steve suggested the museum accommodate historical, social, environmental and scientific themes as well as stewardship functions through educational programs, exhibits, collections, archival capabilities, research, and a community forum. Another issue is site location for an interim and permanent facility if warranted. Steve said the Museum Board believes the museum should be onsite or as close to Rocky Flats as possible.

Steve explained that the Museum Board has initiated a scoping study to determine recommendations for facilities and offerings, public and curriculum-related activities, exhibits,

interpretive programs and necessary public and technical support spaces. Forecasts of the museum's economic impact, development costs and operations budget will also be made. The study will be done by Informal Learning Experiences, Inc., Economic Research Associates, and Gallagher and Associates over the next three to four months. Steve said he will make arrangements for the Coalition and local stakeholders to meet with the contractor the following week. Steve next described other ongoing museum projects, including collection of Rocky Flats artifacts and oral histories. He is also developing grant proposals for Lindsay Ranch preservation starting with an archeological assessment, structural assessment of the barn, and a baseline for what the ranch could represent and how it could be used in future programs.

Steve then reviewed the Museum's organizational development, including their strategic plan, development of the Board, and fundraising. They changed their bylaws in order to increase Board size to 25 members (it was fifteen), thus Steve asked for nominations and suggestions for Board members. The museum has been operating off of a \$150,000 grant from Kaiser-Hill and will raise additional money as they move forward. He has submitted a proposal to see if the museum is eligible for the Denver Scientific and Cultural Facilities District.

Lisa Morzel said it is exciting to see how much is being done already, and asked if the Museum Board is flexible in considering including a theme on natural history, and if they will work closely with USFWS. Steve said they recognize that USFWS will serve the natural history function onsite, and USFWS has been involved in the Museum's public meetings. He stated they are not looking for a separate refuge visitor center, but instead envision a campus environment with the museum and refuge visitor center both being part of that complex. Lisa also asked about Board member applications and processes. Steve explained the two-year terms are ongoing, and they have room for a dozen new people. He added that over the next year many of the original Board volunteers will be rotating off the Board. Jane Uitti asked if Steve could forward a list of current Board members and affiliations.

David Abelson referred to the refuge bill provisions about the siting of the museum, and asked if the Board had thought about how to go about implementing the legislative language. He said it raises the question about a dialogue with local governments and the role they can play in making the recommendation to DOE and Congress. David also asked how they intended to scope big issues such as infrastructure, costs and funding. Steve said that is the reason they have commissioned the scoping study. They are unable to seriously discuss museum location until they know what the museum will consist of. He also said it will tie in to the Comprehensive Conservation Plan process and accommodating DOE's needs. Dean Rundle (USFWS) mentioned the possibility of a federal museum that may or may not be established by the Secretary of Energy, and asked if they were looking at formalizing the relationship between the Museum and DOE. Steve said it is premature until the scoping process is completed. David and Sam Dixon emphasized the importance of the museum to maintaining a memory of what occurred at Rocky Flats. David said the Coalition could play a key role in supporting the museum.

**Round Robin**

There was no further comment from the Board.

**Public Comment**

There was no further public comment.

**Big Picture**

David Abelson reviewed the Big Picture. At the February 3<sup>rd</sup> meeting the Board will receive a briefing on the Site Long-Term Stewardship Strategy and begin reviewing lobbying materials. The Board will also rotate executive officers.

The meeting was adjourned by Sam Dixon at 11:05 a.m.

*Respectfully submitted by Kimberly Chleboun, Program Manager*

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